

FILED

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**SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LINDA N. JOHNSTONE,

Defendant,

MILWRIGHT,

Garnishee.

CASE NO. 97-0167 MMC

WRIT OF CONTINUING GARNISHMENT

**TO: Milwright
1450 Industrial Ave.
Sebastopol, CA 95472**

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE UNITED
STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE DEFENDANT
-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**

The name, last known address, and last four digits of the social security number of the person

**WRIT OF CONTINUING GARNISHMENT
CR 97-0167 MMC**

1 who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this
 2 Writ are as follows:

3 Linda N. Johnstone
 4 281 Skillman Lane
 5 Petaluma, CA 94952
 6 Social Security Number (last four digits): XXX-XX-1105

7 This Writ has been issued at the request of the United States of America to enforce the collection
 8 of a criminal judgment entered in favor of the United States against the defendant for a debt in the
 9 original amount of \$4,200,100.00. There is a balance due of approximately \$6,608,033.85.

10 The following are the steps that you must take to comply with this Writ. If you have any
 11 questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession
 13 any property of the defendant (including wages, salary, commissions, or bonuses; or periodic payments
 14 pursuant to a pension or retirement program) in which the defendant has a substantial nonexempt
 15 interest, or if you obtain custody, control, or possession of such property while this Writ is in effect, you
 16 must immediately withhold such property from the defendant and retain it in your possession until you
 17 receive instructions from the Court which will tell you what to do with the property. With respect to the
 18 defendant's wages, salary, commissions, or bonuses; or periodic payments pursuant to a pension or
 19 retirement program, you must withhold twenty-five percent (25%) of such amount(s) after all deductions
 20 required by law have been withheld. See, 28 U.S.C. §§ 3205(a) and 3002(9).

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10
 22 days after service of this Writ upon you. You must answer the Writ even if you do not have in your
 23 custody, control, or possession any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your
 24 answer must state, under oath, the following information:

25 a. Whether or not you have in your custody, control, or possession, any property
 26 owned by the defendant in which the defendant has a substantial nonexempt interest, including
 27 nonexempt disposable earnings;

28 b. a description of such property and the value of such property;

c. a description of any previous garnishments to which such property is subject and

1 the extent to which any remaining property is not exempt; and

2 d. the amount of the debt you anticipate owing to the defendant in the future and
3 whether the period for payment will be weekly or another specified period.

4 For your convenience, a form which addresses the above-requested information is attached and
5 may be used to answer the Writ.

6 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and
7 (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original
8 answer bearing the original signature of the person preparing the answer to the Court at the following
9 address:

10 Clerk, United States District Court
11 450 Golden Gate Ave., Box 36060
San Francisco, CA 94102.

12 At the same time you mail or deliver the original answer to the Court, you must also mail or
13 deliver a copy of the original answer to both the defendant and attorney for the United States at the
14 following respective addresses:

15 Linda N. Johnstone
16 281 Skillman Lane
Petaluma, CA 94952

17 Julie C. Reagin
18 Assistant U.S. Attorney
450 Golden Gate Avenue, 9th Floor
19 P.O. Box 36055
San Francisco, CA 94102.

20
21 Please note that the attached form answer contains a certificate of service which needs to be
22 completed by the person mailing the copies of the answer to the defendant and the attorney for the
23 United States, and which needs to be filed with the Court along with the answer.

24 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN
25 ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT FOR
26 AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE WRIT
27 AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE THE
28 APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO SHOW GOOD

1 CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT WILL ENTER A
2 JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S NONEXEMPT
3 INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE
4 COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES
5 AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED
6 HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO APPEAR.

7 SUSAN Y. SOONG,
8 Clerk of the United States
9 District Court for the Northern
10 District of California

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Dated: OCT 05 2016

By: 

Deputy Clerk

MARK J. JENKINS